United Nations S/AC.37/2004/(1455)/10

Security Council

Distr.: General
20 February 2004

Original: English

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 19 February 2004 from the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Jamaica to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit the report submitted by the Government of Jamaica pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003) (see annex).

04-24686 (E) 090304

Annex to the note verbale dated 19 February 2004 from the Permanent Mission of Jamaica to the United Nations addressed to the Chairman of the Committee

Report of the Government of Jamaica pursuant to paragraphs 6 and 12 of Security Council resolution 1455 (2003)

I. Introduction

1. To date, no reports have been received of any activities by Usama Bin Laden, Al-Qaida, the Taliban or their associates in Jamaica. Accordingly, they do not appear to constitute an immediate or serious threat to Jamaica or the region in general. As such, no likely trends in relation to their activities are readily identifiable.

II. Consolidated List

2. The 1267 Committee's List is distributed by the Ministry of National Security to law enforcement agencies and immigration and customs officials, requesting them to check if any individual or entity has assets associated with or belonging to Usama Bin Laden, the Taliban or Al-Qaida.

   The List is also forwarded to the Bank of Jamaica, the authority designated to monitor money-laundering offences in Jamaica, for it to conduct checks of the individuals or entities listed. The Money Laundering Act is the principal legislation used to criminalize any suspicious or illicit financial activity.

   The Terrorism Prevention Bill, currently before Parliament and once enacted, would provide the means for the incorporation within Jamaican law of the listing of entities suspected of committing or participating in terrorist activities.

3. No problems have been encountered with the implementation of the List with regard to the names and with identifying information as currently included therein.

4. To date, the relevant authorities have not identified any of the designated individuals or entities within the territory of Jamaica.

5. No individuals or entities associated with the Taliban, Al-Qaida or Usama Bin Laden, that have not been included on the List, have been identified in the territory of Jamaica. Accordingly, there are no names to submit.

6. None of the listed individuals or entities have brought a lawsuit or engaged in legal proceedings against Jamaican authorities, for inclusion on the List.

7. None of the listed individuals have been identified as nationals or residents of Jamaica nor do Jamaican authorities have any relevant information available on listed entities that have not already been included on the List.

8. Use, if necessary, of the Interception of Communications Act, increased vigilance by law enforcement officials at ports-of-entry as well as increased monitoring of monetary transfers and deposits by individuals to financial institutions, which have a duty to report suspicious transactions, are among the measures being taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities in the territory of Jamaica.

Part III. Financial and Economic Assets Freeze

9. Currently, there is no statutory basis for the freezing of assets of listed individuals unless the assets constitute realizable property for the purpose of the Drug Offences (Forfeiture of Proceeds) Act, namely:

(a) any property held by a person who has been convicted of or charged with, a prescribed offence; and

(b) any property held by a person to whom a person so convicted or charged has directly or indirectly made a gift covered by this Act.

However, it should be noted that property is not realizable property if:
(i) there is in force in respect of that property a forfeiture order under the Act or under any other enactment; and
(ii) a forfeiture order is proposed to be made against that property under this Act or any other enactment.

In common law, property can be frozen in civil proceedings. Generally, the power to freeze property as contemplated under the UN Resolutions would be incorporated into the Prevention of Terrorism Bill that is currently before Parliament.

10. In the banking sector, the Bank of Jamaica (BOJ) has circulated among its supervised institutions (which includes most financial institutions) the UN Listings of suspected terrorists and terrorist organizations and all institutions have carried out a screening exercise to determine if these financial institutions are in receipt of property belonging to Usama Bin Laden or members of the Al-Qaida or the Taliban. These exercises have not revealed that Jamaican banking institutions are in receipt of such property.

The Bank of Jamaica has also circulated among these institutions the FATF Guidelines on the Financing of Terrorism and is now preparing revised Guidance Notes to implement the FATF Revised Forty Recommendations.

11. Please see the answer to Question 10. Due Diligence and Know Your customer requirements are made under the Money Laundering Act, the Money Laundering Regulations as well as the Guidance Notes issued by the Bank of Jamaica. The Due Diligence and Know Your Customer requirements include:

(a) the establishment of procedures to ensure high standards of integrity of employees;

(b) the development of a system to evaluate the personal employment and financial history of those employees;

(c) the establishment of programmes for training employees on a continuing basis and for instructing employees as to their responsibilities in respect of the provisions of this Act;

(d) arrangements for an independent audit in order to ensure that the programmes as aforesaid are being implemented; and

(e) the designation of an officer of the institution, who performs management functions, to be responsible for ensuring the implementation of the programmes, policies, procedures and controls referred to above, including the reporting of threshold based and suspicious transactions.

The Money Laundering Regulations and the Bank of Jamaica Guidance Notes provide further details as to how these obligations are to be met, and deal with particular operational issues including:

- Systems and training to prevent money laundering;
- Identification procedures, business relationships and transactions;
- Payment by post, among others;
- Identification procedures, transactions on behalf of another;
- Identification procedures, exemptions relating to introductions;
- Identification procedures, supplementary provisions covering one-off transactions, and the practicality of obtaining information before commencing the transaction;
- Record-keeping procedures;
- Internal reporting procedures; and
- Financial institutions not to operate numbered accounts.

With regards to deposit taking institutions, which are supervised by the Bank of Jamaica, measures taken include the examination of money laundering systems present in those institutions. The Bank of Jamaica may take supervisory action insofar as failure to comply with the provisions of the Money Laundering Laws is considered to be an unsafe and unsound practice for the purposes of the Banking and the Financial Institutions Act, which could then trigger regulatory action. These institutions may also be prosecuted under the Money Laundering Act by law enforcement authorities.

12. The Bank of Jamaica has confirmed that no assets have been frozen as regards the deposit taking system arising from terrorism concerns. Again, such freezing powers are expected to be incorporated in the Prevention of Terrorism Bill.

13. Pursuant to answer 12 above, no funds or assets have been released as none have been frozen.

14. Currently, the Prevention of Terrorism Bill is expected to incorporate the procedure for the treatment of listed individuals and their assets. Once that Bill comes into effect, it is expected that restrictions placed on listed persons will be communicated to the financial sector by the Supervisor of that particular type of institution.

The Supervisor in the case of 'deposit taking institutions' such as banks and credit unions is the Bank of Jamaica, and in the case of insurance companies, securities dealers/brokers and mutual life funds, the Supervisor is the Financial Services Commission.

The Bill also contains obligations for the making of reports regarding the possession of assets that are owned by listed entities or individuals by banks, securities firms, insurance companies, credit unions, cambios, remittance companies and agents as well as friendly societies (namely charities) and other institutions designated by the Minister of Finance.

The reports will be submitted to a Designated Authority (possibly the Financial Investigations Unit of the Ministry of Finance). The Designated Authority will analyse these reports and then disseminate them to the appropriate law enforcement arm for further action.

The Bill does not currently contain any restrictions on the movement of gold or precious gems, although the power in the law to designate gold and gem dealers as financial institutions would pave the way for the imposition of legal obligations on these persons in the future. The draft Bill does not make provisions regarding Hawala systems which do not exist in

Jamaica, although it does cover remittance companies and agents as stated above.

IV. Travel Ban

15. The Travel Ban is implemented administratively by inclusion and circulation of the relevant details in the Watch List which is available to all officers at ports-of-entry.

16. The names of listed individuals and any other particulars once circulated to the relevant immigration agencies are incorporated into the national "Watch List." Currently, this is a paper-based arrangement.

17. The updated list is transmitted to border control authorities on a continuous basis. Currently, Jamaica does not possess the capability to search List Data using electronic means at all entry points. However, in approximately three months by April 30, 2004, an electronic border management system will be introduced which will be managed by a central unit responsible for the maintenance of the Watch List.

18. No listed individual has been stopped at border points or has transited through Jamaican territory.

19. Consular offices do not have a 'reference database' incorporating the Consolidated List. However, Jamaica's overseas missions are informed by the Consolidated List.

No visa applicant whose name appears on the List has been identified.

V. Arms Embargo

20. All importation, transit and exportation of weapons through Jamaican ports must be approved by the Ministry of National Security. Importers/exporters and shipping agents must furnish all documentation, that is, import, export and transit certificates and/or licenses for approval by the Ministry of National Security prior to them being allowed to enter the country.

This is in line with the Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition.

21. A Terrorism Prevention Act is currently before Parliament and will become law this year.

22. The system as stated at question 20 above, is based on the OAS Model Regulations and the Convention Against the Illicit Trafficking in Weapons, Munitions, Explosives and Related Materials Ammunition. Domestically, the Firearms Act, the Gunpowder and Explosives Act, Explosives (Manufacture of) Act and Explosives (Sale of Deposited Stores) Act are relevant legislation.

The Commissioner of Police and the Ministry of National Security must approve all arms imports, exports and transit of arms, ammunition and dangerous explosives before they can enter Jamaican ports-of-entry.

Jamaica is not a producer or manufacturer of weapons or ammunition.

23. See question 22 above.

VI. Assistance and Conclusion

24. Jamaica is unlikely to be able to provide any assistance to other States to aid implementing the measures contained in Security Council resolutions 1267 and 1455.

United Nations S/AC.37/2004/(1455)/11

Security Council

Distr.: General
23 February 2004
English
Original: French

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 4 February 2004 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Grand Duchy of Luxembourg to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999), and has the honour to transmit the report of Luxembourg to the Security Council pursuant to resolution 1455 (2003) (see annex).

04-24984 (E) 100304 100304

Annex to the note verbale dated 4 February 2004 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chairman of the Committee

Report to the Security Council Committee established pursuant to resolution 1267 (1999), in implementation of paragraphs 6 and 12 of resolution 1455 (2003)

As a member of the European Union, the Grand Duchy of Luxembourg fully associates itself with the actions undertaken under the Treaty on the European Union and the Treaty establishing the European Community. For information on those actions, it would therefore be useful to refer to the reports the European Union has submitted to the Counter-Terrorism Committee on behalf of its 15 members.

I. Introduction

To date, the Luxembourg authorities have no know ledge of activities of Usama bin Laden, Al-Qaida, the Taliban or their associates in Luxembourg.

II. Consolidated list

With regard to the incorporation of the 1267 Committee's list within the legal system and administrative structure of Luxembourg, see the annex to the letter dated 13 February 2003 addressed to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) by the Permanent Representative of Luxembourg to the United Nations (S/AC.37/2003/4).

The Luxembourg authorities have not yet encountered any problems with implementation with regard to the names and identifying information included in the list.

The Luxembourg Government has not identified any listed individuals or entities inside its territory.

No listed individuals or entities have brought lawsuits or engaged in legal proceedings against the Luxembourg authorities because of their inclusion in the list.

Luxembourg has not identified any of the listed individuals as a national or resident of the Grand Duchy of Luxembourg.

As for measures taken to prevent entities and individuals from recruiting or supporting Al-Qaida members, see the second supplementary report of Luxembourg pursuant to Security Council resolution 1373 (2001) dated 8 October 2003 from the Permanent Representative of Luxembourg to the United Nations to the Chairman of the Security Council Committee (annex to document S/2003/1014). Criminal prosecution and suppression of the recruitment of terrorists are made possible under Luxembourg law by two specific provisions, which are described in detail in this report.

III. Financial and economic assets freeze

The domestic legal basis to implement the asset freeze required by Security Council resolutions 1267 (1999) and 1390 (2002) is:

- the Act of 12 August 2003 on the suppression of terrorism and its financing and the adoption of the International Convention for the Suppression of the Financing of Terrorism, opened for signature in New York on 10 January 2000;

- articles 135-1 to 135-8 of the Penal Code, as introduced by this Act;

- article 506-1 of the Penal Code, as amended by the Act;

- article 40 of the amended Act of 5 April 1993 on the financial sector.

There are no particular legal impediments in this area.

With regard to structures and mechanisms to identify and investigate financial networks related to Usama bin Laden, Al-Qaida or the Taliban or those who provide support to them or individuals, groups, undertakings and entities associated with them within the jurisdiction of Luxembourg, it should be pointed out that the Commission on the Supervision of the Financial Sector (CSSF) has informed by circular the professionals under its supervision of the publication in the Official Journal of the European Union of Community regulations instituting certain specific restrictions on individuals and entities linked to Usama bin Laden, the Al-Qaida network and the Taliban. According to the relevant CSSF circulars, the CSSF acts as intermediary between the professionals under its supervision and the competent authorities named in the respective regulations which are responsible for receiving information on the aforementioned freezing of assets, the Ministry of Finance and the Ministry of Foreign Affairs respectively. For purposes of evaluation, the CSSF informs these authorities of the results of the research conducted by professionals under its supervision.

The competent authorities, after their evaluation, must then report the relevant information to the European Commission, in accordance with the provisions of the specific regulations.

Since the financing of terrorism is currently a primary offence of money-laundering under article 506-1 of the Penal Code, any measures taken in this area benefit the fight against terrorism and its financing.

For more information, see the supplementary report dated 20 August 2002 submitted in accordance with paragraph 6 of resolution 1373 (2001), in particular the discussion in paragraph 1 (c) and (d), as well as the report of the Financial Intelligence Unit on its activities for 2001 and 2002 (CRF/FIU-LUX) submitted in March 2003.

Monitoring of the observance of the steps that banks and other financial institutions must take to locate and identify assets attributable to the aforementioned individuals and entities is provided by the CSSF as part of its mission to exercise due diligence with respect to credit establishments and other professionals in the financial sector. On this subject, see article 39 of the Act of 5 April 1993 on the financial sector, as amended, as well as the CSSF circulars addressed to banks and other professionals in the financial sector.

The professionals under the supervision of CSSF are free to choose the steps to be taken to locate and identify the assets attributable to Usama bin Laden or members of Al-Qaida or the Taliban or other associated entities or individuals.

The "due diligence" and "know your customer" rules are those generally applied to the issue of money-laundering and are based mainly on Community law

and the recommendations of the Financial Action Task Force on money-laundering. CSSF has issued circulars on this topic.

For information on the legal basis for monitoring of transfers of funds or assets to listed individuals and entities, please also see the second supplementary report of Luxembourg, paragraphs 1.3 and 1.4, which describe the legal framework in force in Luxembourg to regulate alternative money transfer systems and freezing of funds.

In general, as indicated in the amended Act of 5 April 1993 on the financial sector, CSSF informs credit establishments and other financial sector professionals, by means of circulars, of the restrictions imposed under Community regulations. These regulations are directly applicable in Luxembourg following their publication in the Official Journal of the European Union.

The professionals under CSSF supervision are free to choose the form in which they will report on suspicious transactions. CSSF transmits the information contained in those reports for evaluation by the competent authorities, the Ministry of Finance and the Ministry of Foreign Affairs.

Other professionals in the financial sector are also under the obligation to report suspicious transactions as defined in the amended Act on the financial sector of 5 April 1993, involving the "other professionals in the financial sector" covered by chapters 2 and 3 of the amended Act of 5 April 1993.

Alternate systems of money transfer such as "hawala" are covered by article 28-6 of the amended Act of 5 April 1993 concerning professionals providing money transfer services, and therefore, these professionals are subject to the same obligations in the area of combating money-laundering as credit establishments and other professionals in the financial sector supervised by CSSF.

IV. Travel ban

An administrative practice has been instituted whereby a "blacklist" is consulted each time a visa is requested. It should be noted that all visa requests are also transmitted to the State security agency, so that they are double-checked.

Problems could arise at border control posts because the information provided is often inadequate. The passport number or date of birth is often missing, which could, in those cases, pose difficulties in the precise identification of the individuals concerned.

Any changes in the list are automatically sent to the competent authorities. Our visa services have not identified any visa requests from individuals whose names are on the list. The Luxembourg customs authorities have not arrested any of the listed individuals at any entry point or along the Luxembourg border.

V. Arms embargo

On this matter, see the annex to the letter dated 13 February 2003 from the Permanent Representative of Luxembourg to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) (S/AC.37/2003/4), in addition to the explanations provided in the report of Luxembourg submitted in implementation of paragraph 6 of resolution 1373 (2001).

The export of weapons and ammunition, including hunting and sport shooting rifles and accessories, is subject to prior authorization (licensing) for all destinations (Grand-Ducal regulation of 31 October 1995).

The export of dual-use products that could be used in the manufacture of weapons or ammunition is also subject to licensing, and provision of technical assistance is monitored.

Any violation of the embargo on shipment of weapons imposed against Usama bin Laden, members of the Al-Qaida organization or the Taliban and associated individuals, groups, undertakings or entities is punishable by a maximum prison sentence of one year and/or a fine equivalent to the value of the merchandise; its seizure may be ordered.

Licences issued for items on the list of weapons and ammunition are always issued to individuals. An end use/user certificate must be submitted with the request. The Luxembourg authorities are thus able to prevent any of the prohibited goods from being supplied to individuals, groups, undertakings or entities on the Committee's list.

Luxembourg has no arms industry, and therefore no domestic production of weapons or ammunition.

United Nations S/AC.37/2004/(1455)/12

Security Council

Distr.: General
9 March 2004

Original: English

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Letter dated 8 March 2004 from the Permanent Representative of the Gambia to the United Nations addressed to the Chairman of the Committee

I transmit herewith a copy of the Gambia's report pursuant to resolution 1455 (2003) (see annex).

(*Signed*) Crispin **Grey-Johnson**
Ambassador and Permanent Representative

04-26563 (E) 300304

Annex to the letter dated 8 March 2004 from the Permanent Representative of the Gambia to the United Nations addressed to the Chairman of the Committee

THE GAMBIA

NATIONAL REPORT ON THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1455 (2003)

I. INTRODUCTION:

Q1. Please provide a description of activities, if any, by Usama Bin Laden, Al-Qaida, the Taliban and their associates in your country and the region, as well as likely trends.

A. Al-Qaida as a Terrorist Group has not posed any form of threat to the Gambia since the pronouncement of the operations of the group worldwide.

II. CONSOLIDATED LIST:

Q2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

A. a) All points of entry are informed and Immigration Officers are to check; in the event of suspected cases, the National Intelligence Agency (NIA), The Gambia Police Force (GPF) and other competent authorities are invited for joint interrogation.

b) Our Consular Offices are advised to check against Consolidated List, when issuing visas.

The Central Bank of The Gambia sends the Consolidated List to Commercial Banks but all return so far.

c) GPF has effected the following lines of action, in respect of the resolution:

- **Generated a database on information relating to the Taliban/Al-Qaida Sanctions Regime against listed/designated individuals and entities.**
- **The database is updated on regular basis and relevant information is shared between the police and Immigration Department.**
- **The information is mainly used to trace the movements of the Taliban/Al-Qaida members at our official points of entry, by air, sea and land.**

Q3. Have you encountered problems with implementation with regard to the names and identifying information as currently included in the list? If so, please outline the actions that have been taken.

A. Nil.

Q4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the action that has been taken.

A. As a global concern and the Security Agencies' resolve to track down Al-Qaida activities, in collaboration with CIA, intercepted four Al-Qaida suspects at the Banjul International Airport on 8th November 2002. The four were arrested on suspicion of being linked with Al-Qaida. After a series of interrogations, two were found to have some knowledge of Al-Qaida. They were Jamil Basir, an Iraqi national and Abu Mazan El Bana a Palestinian national. They were handed over to the CIA. The other two were British nationals, namely, Abdooulah (FNU) and Wahab Basir, who were subsequently released.

Q5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or Al-Qaida that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

A. Nil return.

The Security Agencies however continue to monitor the activities of Islamist Groups such as Hisbulah in The Gambia. The following who are presently in The Gambia, came to the notice of the security agents in 1992:

1. **Alhaji Fouad Hassan Khalil**
2. **Hisham Kanafer**
3. **Faduala Musa**
4. **Samir Chabad**
5. **Muhammed El Ali**

They are engaged in the following business enterprises: Happiness Supermarket, on Kairaba Avenue, Islamic Social Institution, off Kairaba Avenue, IMEXCO Company in Banjul (junction of ECOWAS Avenue and Hill Street), established in 1997. The latter is under the management of Muhammed El Ali. Every year, the above-mentioned persons invite clerics from either Lebanon or Iran, purporting to attend Islamic ceremonies, only to find that they actually come to consolidate and debrief members about the activities of the Hisbulah Movement. Although these people are still in the country, they have not posed any security threat. They are closely being monitored and the same is true for the other Islamist organizations in the country.

The Security Agencies intercepted eight (8) Arab Belgians in 2003, claiming to have been on a religious errand (Marakas). They were sent out of the country as their objective was to meet members of the Marakas institution in Senegal, which had been closed down by the Senegalese Authorities.

Q6. Have any listed individuals or entities brought a law suit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

A. Nil.

Q7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

A. No.

Q8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting Al-Qaida members in carrying out activities inside your country, and to prevent individuals from participating in Al-Qaida training camps established in your territory or in another country.

A. Please see Anti-Terrorism Act (2002) Sections 3, 4, 5, 6 & 7. (Copy supplied with the Initial Report on UNSCR 1373.)

III. FINANCIAL AND ECONOMIC ASSETS FREEZE:

No case yet.

Q9. Describe the domestic legal basis to implement the asset freeze required by the resolutions; any impediments under your domestic law in this context and steps taken to address them.

A. a) Please see the Anti-Terrorism Act, Section 17.

The following administrative procedures are effected:

Transactions in excess of $10,000 for individuals and $40,000 for institutions are checked and reported on by Commercial Banks. The Central Bank of The Gambia imposes penalties when institutions default in reporting.

b) The Fraud and Commercial Unit of the GPF constantly liaises with the Banking Institutions in an attempt to trace the assets of the Taliban/Al-Qaida Regime, to identify the funding of International Terrorism and their respective properties.

The Criminal Intelligence Unit (INTERPOL) of The Gambia Police Force has been in liaison with the Non-Governmental Organization Affairs Agency to verify the genuine existence of NGOs and their source of funding.

The office also liaises with the Immigration Department to check the movement of persons against the Consolidated List.

Similarly, the police is constantly updated on the status of registered companies, so as to ensure that only genuine organizations operate in The Gambia through the Attorney General's Chambers.

In 1998, the West African States established a National Commission on the control, importation, exportation, manufacture and eradication of small arms, through a moratorium. It requires the prior approval of all member states before any state can import small and light weapons.

This system enhances transparency and the effective monitoring of the circulation of small arms and other weapons, which may illegally find their way into the hands of terrorist and other criminal groups. In The Gambia, the Commission is chaired by the Department of State for Defence.

Q10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama Bin Laden, Al-Qaida or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

A. The Gambia is a Member of the ECOWAS Intergovernmental Action Group against Money-Laundering.

Q11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama Bin Laden or members of Al-Qaida or Taliban, or associated entities or individuals. Please describe any <due diligence> or <know your customer> requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

A. Applying the banking supervision Core Principles of the Bank for International Settlement (BIS) <Know Your Customer> and <Due Diligence> standards, the Central Bank of The Gambia requires banks in The Gambia to regularly update their records on existing customers and institute a closer monitoring of potential clients.

These standards help enhance their ability for proper customer identification, record keeping processes, detection and reporting of suspicious transaction. It also helps to ensure all financial institutions put in place adequate policies, procedures and practices that seek to promote high ethical and professional standards. It is believed that this would prevent the transmission of illegal funds and the channeling through our financial system of assets related to money laundering and terrorist activities.

The Gambia also regularly participates in regional initiatives such as seminars, conferences and workshops that help educate staff of various government agencies, on the nature and ramifications of these crimes and how best to eradicate them.

Q12. Identification of persons or entities whose assets have been frozen:

- A description of the nature of the assets frozen;
- The value of assets frozen.

A. Nil.

Q13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that have previously been frozen.

A. Nil.

Q14. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movement of such funds or assets to designated individuals and entities.

A. Nil.

IV. TRAVEL BAN:

All points of entry are notified.

Q15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

A. The Gambia Immigration Department compiles its <Stop List>, mainly from the US Embassy in Banjul. Names are sent in and all points of entry are notified. Instructions are given to Immigration Officers to physically check all

persons entering the country against the List. In suspected cases, the concerned is detained and the appropriate authorities are informed, for confirmation.

Q16. Have you included the names of the listed individuals in your national <stop list> or border checkpoint list? Please outline steps taken and problems encountered.

A. Yes. The appropriate detection technology is not available at points of entry.

Q17. Do you possess the capability of searching List data using electronic means at all entry points?

A. No.

Q18. Have you stopped any listed individuals at any of your border points or while transiting your territory?

A. No.

Q19. Have your visa issuing authorities identified any visa applicant whose name appears on the List?

A. None so far.

V. ARMS EMBARGO:

Not applicable.

Q20. What measures, if any, do you have in place to prevent the acquisition of conventional arms and weapons of mass destruction?

A. Not applicable.

Q21. What measures, if any, have you adopted to criminalise the violation of the arms embargo?

A. Please see the Anti-Terrorism Act.

Q22. Please describe your arms/arms broker system.

A. No System.

Q23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama Bin Laden and other associates?

A. Not applicable.

VI. ASSISTANCE AND CONCLUSION:

Q24. Would your state be willing and able to provide assistance to other states?

A. We are willing to co-operate. However, our means are grossly inadequate.

Q25. Please identify areas, if any, of any incomplete implementation of the Taliban/Al-Qaida sanctions regime, and where you believe specific assistance or capacity building would improve your ability to implement the above sanctions regime.

A. a) To forestall our constraints, it would be necessary to receive logistical support and financing of the operations of the Security Agencies.

Logistical support in the form of cross-country automobiles and motorcycles, equipment such as handheld radios, mobile radios and appropriate technology for detection, identification and analysis. Most importantly, the Security Agencies need operational funding.

b) An Anti-Terrorist Unit comprising all the security outfits in the country will be established. The proposed unit will need assistance in the construction of a structure to house it and the provision of necessary equipment.

- **Assistance for Computerization of a National Database for Gambian nationals and Aliens.**
- **Assistance for a Fraudulent Document Detector.**
- **Training.**